

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

APL MICROSCOPIC, LLC,

Plaintiff,

v.

CASE NO.: 1:24-cv-939

WILLIAM REED INC. f/k/a WILLIAM
REED BUSINESS MEDIA, INC.,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff APL MICROSCOPIC, LLC, by and through its undersigned counsel, brings this Complaint against Defendant WILLIAM REED INC. f/k/a WILLIAM REED BUSINESS MEDIA, INC., for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff APL MICROSCOPIC, LLC (“Plaintiff” or “APL”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. §106 to reproduce, publicly display and distribute APL’s original copyrighted Work of authorship.

2. APL’s principal is Andrew Paul Leonard. Leonard is a highly skilled and experienced creator of microscopic photography. Using a scientist’s tool and “eye” to capture the splendor of a miniscule world beyond the normal range of human vision, Leonard has documented cells and cellular bodies with high contrast experimental imagery and special optical effects to illustrate an infinitesimally small stage where color and light come together to create a commercial product unlike any available in the commercial photography market today.

3. Leonard's images, which are assigned to APL, are highly desirable, particularly in the medical, pharmaceutical, and biological research industries. APL licenses its copyrighted works, such as the one in this case, to educational publishers, health care companies, and other medical institutions and businesses for use in connection with the study of biology and related fields. Leonard's images are often licensed by APL for use in pharmaceutical advertising.

4. Leonard's images are unique and scarce. He is one of only a very few photographers who are capable of producing quality images of cells. Few if any photographers besides Leonard have successfully captured a quality image of a bone marrow stem cell.

5. Andrew Paul Leonard's livelihood depends, in part, on the ability to control the licensing of his works.

6. Defendant WILLIAM REED INC. f/k/a WILLIAM REED BUSINESS MEDIA, INC. ("Defendant" or "WRI") offers 360-degree coverage of the bioprocessing world, providing biopharma professionals news focused on clinical trials, commercial development and manufacture of large molecule drugs, vaccines, live biotherapeutics and advanced therapeutics. At all times relevant herein, WRI operated an online publication called the "BioPharma-Reporter" at the URL <https://www.biopharma-reporter.com/> (the "Website").

7. William Reed Inc. f/k/a William Reed Business Media, Inc. is a corporation formed under the laws of the State of Delaware, and registered to do business in the state of Illinois. WRI has its principal office at 150 N. Wacker Drive, Suite 1425, Chicago, IL 60606, and can be served by serving through its agent Corporation Service Company MFEM Registered Agent, LLC at 203 N La Salle Street, Suite 2500, Chicago, IL 60601-1262.

8. Defendant committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public.

JURISDICTION AND VENUE

9. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

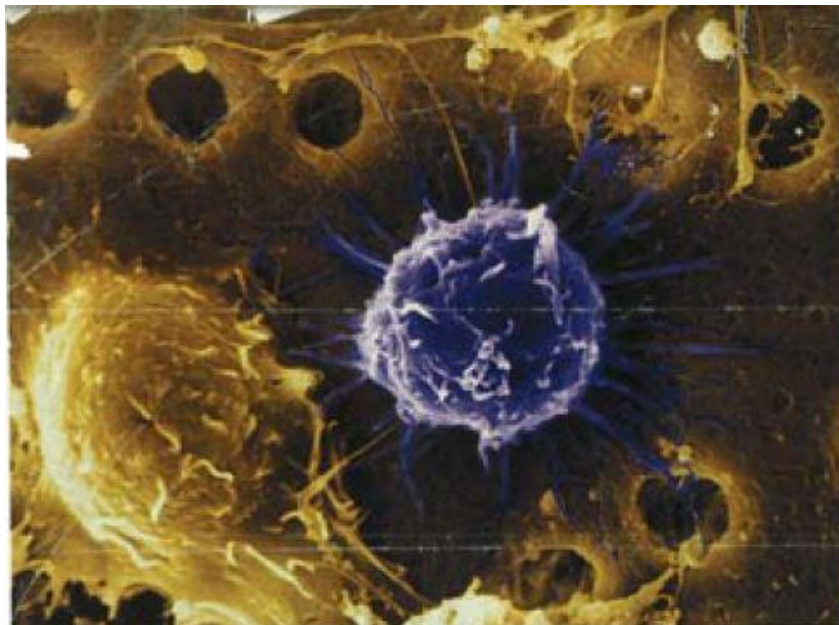
10. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

11. Defendant is subject to personal jurisdiction in this district because it has a principal office in this judicial district, is registered to do business in Illinois, and has a registered agent in this judicial district.

12. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant is located in this district, and Defendant is subject to personal jurisdiction in this district.

THE COPYRIGHTED WORK AT ISSUE

13. In 1996, Andrew Paul Leonard created a photograph entitled “Leonard - Bone Marrow Stem Cell Image 4”, which is shown below and referred to herein as the “Work”:



14. Leonard registered the Work with the Register of Copyrights on December 20, 2007, and was assigned the registration number VA 1-426-177. The Certificate of Registration is attached hereto as **Exhibit 1**.

15. Leonard subsequently assigned all rights to the Work in a written agreement to APL on May 21, 2015.

16. Plaintiff is the owner of the copyrighted Work.

INFRINGEMENT BY DEFENDANT

17. Defendant has never been licensed to reproduce, import, publicly display, distribute, or create derivative works of the Work for any purpose.

18. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendant copied, reproduced, imported, publicly displayed and/or distributed the Work.

19. Specifically, on or around March 13, 2012, Defendant copied, imported, distributed and/or publicly displayed Plaintiff's copyrighted Work without Plaintiff's permission for display on the Website.

20. Defendant copied the Work, then made further copies and distributed the Work to illustrate an article related to a bioproduction collaboration.

21. APL's work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting and other details is entirely original and creative. As such, the Work qualifies as subject matter protectable under the Copyright Act.

22. Defendant committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

23. Plaintiff never gave Defendant permission or authority to copy, import, distribute and/or publicly display the Work for any purpose.

24. Plaintiff notified Defendant of the allegations set forth herein on December 17, 2020.

25. APL and WRI entered into two separate tolling agreements which cumulatively tolled the claims in this matter until February 1, 2024.

26. To date, the parties have failed to resolve this matter.

COUNT 1
COPYRIGHT INFRINGEMENT

27. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Plaintiff owns all exclusive rights to the Work at issue in this case.

29. The Work was registered with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. Defendant imported, copied, displayed, made derivatives and/or distributed the Work without Plaintiff's authorization in violation of 17 U.S.C. § 501.

31. Defendant performed the acts alleged in the course and scope of its business activities.

32. Plaintiff has been damaged.

33. The harm caused to Plaintiff has been irreparable.

WHEREFORE, Plaintiff APL MICROSCOPIC, LLC prays for judgment against Defendant WILLIAM REED INC. f/k/a WILLIAM REED BUSINESS MEDIA, INC., that:

- a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. Defendant be required to pay Plaintiff his actual damages and PLP's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre- and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: February 1, 2024

Respectfully submitted,

/s/Jay Campbell Miller

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